

## SUMMARY STATEMENT

*State of Idaho v. Ivan Drake Pettit*, Docket Nos. 44198 & 44199

In a case arising out of Latah County, the Court of Appeals affirmed the order of the district court on intermediate appeal from the magistrate's order granting Ivan Drake Pettit's motion to suppress.

Pettit was traveling on a highway and approached an atypical intersection. He was faced with a green arrow, which indicated to curve right through the intersection. Pettit, without using a right turn signal, curved right through the intersection. Because Pettit did not use a right turn signal pursuant to Idaho Code § 49-808(1), an officer stopped Pettit's vehicle. As a result of the stop, the officer obtained evidence which resulted in Pettit being charged with driving under the influence of alcohol (second offense) and driving without privileges.

Pettit filed a motion to suppress the evidence the officer obtained, arguing that a turn signal was not required at the intersection and, thus, the officer did not have reasonable suspicion to stop Pettit's vehicle. The magistrate granted Pettit's motion to suppress. The State appealed the magistrate's decision to the district court which affirmed the magistrate's decision.

The Idaho Court of Appeals held the officer did not have reasonable suspicion to stop Pettit's vehicle because Pettit's maneuver at the intersection was not a turn onto a new highway according to I.C. § 49-808(1). Because the statute plainly did not apply to the intersection, the Court declined to address whether the statute was unconstitutionally vague as applied to the intersection. However, the Court held the officer's mistake to be objectively reasonable given the lack of direction from I.C. § 49-808(1), but determined that suppression was warranted because Article 1, § 17 of the Idaho Constitution and Idaho's independent exclusionary rule does not provide a good faith exception.